

**PRIORITY SEND**

**JS-6**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 08-1309-VAP (OPx)

Date: February 23, 2009

Title: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
FIRST FRANKLIN MORTGAGE LOAN TRUST 2005-FFHH3, ASSET-  
BACKED CERTIFICATES, SERIES 2005-FFH3 -v- LUIS F. CHAVEZ  
VASQUEZ, and DOES 1 through 5, inclusive

=====

PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard  
Courtroom Deputy

None Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFFS:

ATTORNEYS PRESENT FOR  
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER: (1) VACATING MARCH 2, 2009  
HEARING; (2) GRANTING MOTION TO REMAND; (3)  
AWARDING ATTORNEYS' FEES (IN CHAMBERS)

The Court has received and considered all papers filed in support of Plaintiff Deutsche Bank's ("Plaintiff") Motion to Remand ("Motion"). Plaintiff's Motion is appropriate for resolution without oral argument. See Fed. R. Civ. P. 78; Local R. 7-15. The Court VACATES the March 2, 2009 hearing.

Plaintiff filed its Motion on February 2, 2009 to be heard on March 2, 2009. Under Local Rule 7-9, a party must file opposition papers no later than 14 days before the date designated for the hearing of the motion. Defendant Luis F. Chavez ("Defendant") represents himself and filed no timely opposition. Under Local Rule 7-12, the Court finds Defendant has consented to granting

MINUTES FORM 11  
CIVIL -- GEN

Page 1

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DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2005-FFHH3, ASSET-BACKED CERTIFICATES, SERIES 2005-FFH3 v LUIS F. CHAVEZ VASQUEZ, and DOES 1 through 5, inclusive  
MINUTE ORDER of February 23, 2009

the Motion. Accordingly, the Court hereby GRANTS the Motion and REMANDS Plaintiff's action to the California Superior Court for the County of Riverside.

Plaintiff requests \$2,000 in attorneys' fees, including fees for arguing the Motion. Defendant removed this action after judgment had been entered against him in Superior Court. The Court awards Plaintiff attorneys' fees, although it reduces the award from \$2,000 to \$800.00 because Plaintiff's counsel will not be called upon to review and draft a reply to Vasquez's opposition, prepare to argue the Motion, nor argue the Motion. (See Mot. 4.)

**IT IS SO ORDERED.**